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INDIANS—CHEROKEES.

MAY 26, 1840.

Referred to the Committee on Indian Affairs.

*To the Honorable the Committee on Indian Affairs of the House of Representatives:*

GENTLEMEN: The undersigned, a delegation representing the Cherokee Nation, understand that you are engaged in considering questions of vital importance to us and to our country. We learn that our memorial has been referred to you; and, since it was submitted by us to the House of Representatives, we have seen other documents on the subject, which have also been placed before you, and which we fear may lead you into misconstructions unless you obtain some further information, which we take the freedom to offer.

We find that you have not been furnished with our constitution and laws. These were passed after the act of union which, on the 23d of August, 1839, cancelled the distinction between eastern and western Cherokees, and united the two sets of our emigrants into one nation. We enclose a printed copy of all these instruments, that you may judge for yourselves how far the Secretary of War is authorized by facts in insinuating very strongly (See Representative document of the 26th Congress, 1st session, page 13), that our "constitution" and the "laws for the government of the nation," "authorize murder and excite intestine commotions."

It is our most earnest desire to establish peace among ourselves and the most friendly relations with the United States. We know that nothing can be easier than the attainment of these objects, if the truth will be believed by those who have our destinies in their hands. Among ourselves there is nothing in the way of tranquillity but the wrongheadedness of a very few, too inconsiderable to be regarded as a party, but deriving importance in their own eyes, and in their effect upon our nation's prospects, from the support of the United States Government. There is no foundation—believe us, there is none whatever—for the tales you hear of the distractions prevailing through our country. The very manner in which we are settled prevents the possibility. The eastern emigrants are so intermixed with the western from one end to the other of the land, that there cannot exist that sort of bitter party division which might arise if masses of us, each thinking adversely to the other, were respectively banded together. It is over and over again asserted, by the agents of the United States at Washington, and by General Arbuckle, who uniformly echoes their sentiments and sustains them by his reports, that, if the eastern and western Cherokees each had "a fair representation" (See the same document before quoted, page 10), in the Cherokee Government, it "would soon give quiet to the people." We beg to assure you that these assertions are correct enough, because we have put them to the test; precisely thus is our present Government constituted, and

the arrangement *has* given quiet to the people;" a quiet which is almost miraculous, considering the efforts constantly making to break it up. The convention which formed the constitution consisted one-half of old settlers in the west; and the present Government, under that constitution, preserves about the same proportion. We will enumerate the various western Cherokees holding office under the new arrangement: Of principal chiefs, we have but two. Joseph Vann, our second principal chief, is an old settler. He was for many years second chief of the western Cherokees, and was sometimes in the council. Of the six executive counsellors, three of those originally elected were western Cherokees, viz: John Looney, who was, when the eastern Cherokees arrived, legally first chief; Aaron Price, who has held various offices among the western Cherokees; Dutch, who, after his appointment, went over to the agitators. He is the same person who is now represented as the second chief of the present pretended government of the western Cherokees. He had visited the convention, had approved of all its proceedings, and of the constitution. He assured his friends that if, in the election then about to take place, he was elected to any office, he would serve; and he was elected accordingly.

Of the forty members of the national committee (which is divided into two branches, viz: a national committee of sixteen, and a council of twenty-four), twenty-two out of the forty are western Cherokees, viz:

Of the national committee, William S. Coodey, president, John Drew, Thomas Thumb, John Spears, Bluford West, are old settlers; Jos. M. Lynch, Joshua Buffington, Thomas F. Taylor, and Turtle Fields, emigrated in 1837.

Of the council, Young Wolf, speaker, Jesse Russel, Young Elders, Tobacco Will, Thomas Candy, Sah-lah-tee-skee Watts, George Brewer, Moses Paris, James M. Payne, O-kan-stotah Logan, James Campbell, Lewis Melton, Nelson Riley. To these may be added the clerk of the council, David Carter.

Of the supreme court judges, five in all, two are western Cherokees, viz: Looney Price, an old settler; John Martin, emigrated in 1837.

Of the circuit court judges, two in all, both are western Cherokees, viz: John Thom, an old settler; Daniel McCoy, who emigrated in 1837.

Of the district court judges, four in all, two are western Cherokees, viz: Loony Riley, an old settler; John Brewer, who emigrated in 1837.

Of those enumerated in the preceding list, six were members of the council of what General Arbuckle calls "the old government" (that is, the government of the western Cherokees), previous to the arrival of the eastern bulk of the nation. This council had but sixteen members in all.

We have thus shown that our government, as at present constituted, contains more than the proportion of western Cherokees which General Arbuckle pronounces certain to "give quiet to the people." But if the powers at Washington persist in believing things in our country to be, not as they really are, but as certain individuals are bent on having it supposed they are, they may create the reverse of quiet, which they now wrongfully suspect. Whatever uneasiness prevails at present we ascribe to the confidence a few agitators are permitted to place in being backed by the Government here; to the always uncandid, and often vindictive course of General Arbuckle; and to the marked favor with which he treats the individuals who have set themselves up against the nation. When the War Department at Washington distinctly tells us (see the Secretary's report to the Senate,

Doc. 347, of 26th Congress, 1st session, page 3) what is the only sort of information it regards as "interesting," and we find that it consists of the grossest misrepresentations (see same document, page 21, No. 9), we only wonder that the Cherokees have fulfilled our aspirations by continuing to be patient. May they so continue long, in despite of General Arbuckle! It is not enough for justice that the general qualifies his statements with now a "perhaps," and then an "I believe," and here an "as I judge." Even thus qualified, they immediately become "interesting" at the department beyond the numberless entirely unqualified and multitudinously-attested declarations of our friends and people; and we deprecate this uncandid course, because we would avert its tendencies. In the letter to which we have just alluded, the veracity of Mr. Ross is coarsely attacked in reference to Mrs. Boudinot. General Arbuckle speaks of a communication from Mr. Ross, by which "it would appear that Mrs. Boudinot had advised Mr. Ross to leave home for safety, saying that Stand Watie had determined to raise a company of men for the purpose of taking his life." The general then asserts that "Mrs. Boudinot, when leaving this country, informed Captain Armstrong, acting superintendent, that the statement of Mr. Ross in this particular is totally destitute of truth." Now, the actual statement of Mr. Ross simply was as follows (see Representative document No. 129, 26th Congress, 1st session, pages 54, 55): "Upon receiving intelligence of this unhappy occurrence, I immediately requested my brother-in-law, John G. Ross, who, accompanied by Mr. Lenoir and others, repaired to the place for the purpose of ascertaining the facts, with the view of reporting the same to you. They have returned with a message from Mrs. Boudinot confirming the report, with the advice from her for me to leave home for safety, saying that Stand Watie had determined on raising a company of men for the purpose of coming forthwith to take my life." General Arbuckle, in his eagerness to discredit Mr. Ross, entirely overlooks the only point for him to disprove—the delivery of such a message as Mr. Ross mentions. Of the delivery of such a message exactly as described by Mr. Ross, there happens to be abundant evidence. There is evidence equally abundant of the unimpeachable integrity of John G. Ross, the person who received the message and reported it. Then, what are we to say for the subsequent discrepancies? Only this: on careful inquiry, it appears that friends of Stand Watie were incensed at the rumor of a warning message against him having been sent to Mr. Ross; and that friends of Mrs. Boudinot account for any thing seemingly contradictory in her course, upon the score of her having been too much agitated to remember exactly what she did say, although none deny that she actually *did* send a message. Is it unfair to infer from an unintentional admission of General Arbuckle, some time afterward, what the nature of that message was likely to have been? Says the general in a letter to be found at page 422 of Executive Representative document No. 2, 26th Congress, 1st session: "I am apprized that several of those that assisted in making the treaty of 1835 would have killed Mr. Ross at the moment they heard of the Ridges and Boudinot being murdered, from the belief that he was the cause of their murder. These individuals took protection at this post for several days." Of the general's own spirit in relation to the matter, some notion may be gathered from an occurrence at the fort soon after the act of union. He was visited there by Charles Coodey and Looney Price. He seemed much excited about the conciliatory course of so many of the western Cherokees. He expressed great surprise at

Charles Coodey's having taken so active a part; and he was answered that, if every man would make the proper effort at that crisis, every thing would be reconciled, and all be happy and at peace. On this, the general abruptly and bitterly exclaimed: "You too—you shouldered a rifle, and went with all the rest to guard John Ross: but for that, John Ross would have been killed!"

Yes, gentlemen, it is this alacrity to believe every thing against us; and especially against those whom we trust, and who, for many years, have given their country proofs how well they merit we should trust them, that is now the only obstacle to "quiet among our people." We do not wish to multiply remonstrances, but we might go on with an endless catalogue of such grievances. Some few, however, have been rendered of so much importance by the official reports, that we feel ourselves called upon not to let them pass unnoticed.

Perhaps not the least imposing among these is the charge that Mr. Ross has at various times sent "wampum and warlike talks" to various tribes of Indians, "as is supposed," says the Secretary of War (see Executive Rep. Doc. No. 2, page 425), "thereby seeking to excite hostile feelings against the United States." The Indian Commissioner, in Senate document 347, page 3, says: "It has been heretofore stated that John Ross had distributed wampum, tobacco, &c., among certain Indian tribes. A letter," continues he, "from Neosho sub-agent, under whose charge are the Senecas, and Shawnees, and Quapaws, under date of 15th October, was received by General Arbuckle, in which he declared that it was true John Ross 'had his emissaries with wampum, tobacco, &c., among my people; and that 'they had written communications addressed not only to the chiefs of the three little tribes, but to tribes north of us.'" The letter of this Neosho sub-agent, whose name is Calloway, appears in page 19 of the same document. It says the report about Mr. Ross "is true as the writings of Moses." He adds, "I advised these people not to meet John Ross in council, or to have any thing whatever to do with him; to all of which they promised compliance, except the chiefs of Senecas." We ask, if there were written communications, why were they not obtained? why were they not produced, in lieu of these vague rumors? We earnestly desire that they may be called for and exhibited. As this has not been done, although a course so obvious, we ourselves take the liberty of producing the only ones we have. They will speak for themselves. They will show that the agitators in our nation had endeavored to excite the neighboring tribes against us, and that we wished them "to be guarded against the false representations of wicked and designing men;" not to believe injurious information, and, if convenient, to attend the convention themselves in person, because "such a visit would enable them to learn our true character and to detect any unfavorable or false reports which may have reached them concerning the Cherokees, and to be convinced of their peaceable and friendly dispositions toward every nation of the human family." (See A and B.) It is this attempt to cherish a kindly feeling between our people and our neighbors, which has been distorted into a conspiracy to embroil the frontier. It was at the suggestion of Tobacco Will and others, that the step was taken. They feared that mischief might result from the intrigues of the unfriendly, to mislead our neighbors as to our character and purposes. Once more, we refer you, gentlemen, to the papers themselves, which are appended.

A clamor equally loud and bitter has been raised against us, on the score of certain decrees which have been stigmatized as murderous. We have been told, in substance, that they evince a spirit of proscription, and for that reason we deserve to be denationalized. We can assure you, gentlemen, that the decrees which followed the killing of the Ridges and Boudinot offered to us the only hope of allaying the popular excitement against the threateners of our public peace. So far from being decrees of proscription, you can see for yourselves they were decrees providing for the safety of those who had incensed the country; and providing for that safety upon the most favorable conditions which could be desired under all the circumstances. It must be borne in mind that the individuals thus pretended to be wantonly proscribed, had long been regarded by multitudes of their countrymen as belonging to a band whom they considered as having been saved from the penalty against traitors by an overstretch of forbearance; and that if, in the sudden outbreak, provoked by mad interferences of the three leaders of this band, with the national efforts to compose the difficulties created principally by them, these three could no longer be screened from destruction, there must have been no small discretion required to prevent the exasperating threatenings of the coadjutors of the fallen from exposing them to similar disasters.

The decrees which have been numbered among our crimes offered the only resource for mediation between the offending and the offended; and these are the decrees which have been calumniated as evidence of a thirst for blood! How entirely such an imputation was uncalled for, may be distinctly seen from another decree by which the act of amnesty was immediately succeeded. At the time of our meeting in national convention, there were numerous cases of murder undisposed of. Among others, some of the treaty party of 1835, stood thus charged. One of them had slain a fine young man, who was son of George Guess, inventor of the Cherokee alphabet, and nephew of Archibald Campbell, one of the undersigned. If we had desired to exterminate the treaty party or any of them, these charges afforded a pretext most obvious. But pardon and peace was our object, and not revenge. We formed a select committee on the subject, of our gravest and mildest men. It was equally composed of eastern and western Cherokees. It was presided over by George Guess, the father of one of those who had been recently murdered. When the decree of oblivion of all murders was suggested, the other members paused for the bereaved father to speak first. Guess felt the delicacy of the deference. He arose; he observed, that the proposition being to promote peace, and extend mercy to the guilty, although he himself most bitterly mourned his loss, under the peculiar situation in which his country was placed; he saw the necessity of their coming to their new arrangements with pure hearts and clean hands, and he would sacrifice his personal resentments to the good of his country. He was the first to pronounce in favor of the act of oblivion. It passed unanimously. When reported to General Arbuckle, the general gave it his unqualified praise.

But, if even proscription on our part, so far as relates to the temporary disqualification of citizens of our own from holding office, calls for reprobation so severe, and *that*, although justified by the strongest of provocations, what are we to say or think of the unlimited proscriptions—proscriptions touching character, fortunes, life itself—which are visited upon numerous distinguished citizens of our own, in the most uncalled-for

manner, by the Government of the United States? Such citizens among us are named by the Indian Commissioner, in his report to the Senate, already quoted (see page 4), as "men whose conduct, apart from any agency they may have had in these bloody deeds, could not but be of the most fatal influence." General Arbuckle, in page 27 of the same document, asserts that, "it would appear almost certain, that Edward Gunter was in the woods near Boudinot's when he was killed; and, it has been frequently reported to him [General Arbuckle], that Mr. Lynch, who [was then] with Mr. Ross, was present when John Ridge was killed; and that the party halted at his house the same day, where they took their breakfast." The general adds that, "the information he had received of his [Lynch] being present when Ridge was murdered, he could not fully rely on, and, therefore, took no measures to have him apprehended; but he has no doubt of the party having called at his house the morning the murder was committed." Seventeen other persons are denounced by name, in page 16 of the same document and, in page 22, two others; against whom, says the general, "the evidence, however satisfactory it might be, of their participation in the foul deeds of that day, would not be sufficient to convict them before a court of justice." A moment's thought will show the utter absurdity of the only points which are specified in this defamatory document. Because Mr. Edward Gunter may have been seen passing through woods, on the borders near which a murder was committed, Mr. Edward Gunter is denounced! The remark on Mr. Lynch is so framed, that, though it has the strength of a charge, it may be made to wear the aspect of a conjecture. We would mention that, for the three days before, during and after the death of the Ridges and Boudinot, Mr. Lynch was at the house of his father-in-law, Judge Martin, forty miles from the nearest of the places where these events occurred. Of this there is abundant evidence (see C and D); so there is, also, that no party, whatever, breakfasted at the house of Mr. Lynch, as mentioned. The character of this case may serve as a specimen of all the others. When, in uttering these misrepresentations, the phrases "judging from the best information," and "such information as I can fully rely on," are used, it may always be understood that the informants in question are persons in the interest of General Arbuckle, or immediately connected with the petty faction of agitators; no other intelligence is trusted.

Before we dismiss the subject of these proscriptions of Cherokees by the United States Government, it is proper we should touch on two other cases, more monstrous than even any of the former. We allude to that of William Shorey Coodey (see Senate document, page 9), and that of John Ross, our principal chief. Mr. Coodey told the Secretary of War that, in his opinion, traitors ought to be punished; that the United States and other nations punished traitors as well as the Cherokees; and that the Cherokees who had destroyed the Ridges and Boudinot had considered them as traitors, for having made a treaty without authority, long before they were destroyed. On account of this private conversation, and on this account only, although freedom of speech and sentiment is held to be, upon American principles, every man's clearest and dearest privilege, the secretary openly avows that William Shorey Coodey is "excluded from all participation in the government" of his nation! Last of all, we would beg to point your attention to the extraordinary course still continued by the Secretary of War, with regard to Mr. Ross. At first, Mr. Ross was the murderer. He is repelled

as such from the presence of the President and the department. The agitators, who have been received with so much favor, in their farrago of frantic ravings presented to Congress, as a memorial (see Rep. doc. 162 of 26th Congress, 1st session, page 15), exclaim: "He comes as the chief of the Cherokees, offering to the American nation the hand of friendship. Can it be received? Can it be touched? Can it be looked upon but with abhorrence, red with the blood of his brethren?" Mr. Ross demands of the Secretary of War to be confronted with the charge and the accusers. His friends are told "the evidence shall be produced in the progress of the investigation which has been instituted." But when urged to complete the investigation, that Mr. Ross "might have an opportunity of defending himself, and showing that the *ex parte* statements, on which the charge was founded, were untrue" (see Senate doc. No. 347, present session, page 5), it does not seem that any investigation had been commenced. The Secretary replied, when pushed to the point, that "an investigation was unnecessary, so long as Mr. John Ross refused to have the murderers delivered up to justice." In page 9, of the Commissioner's report (same document), the charge then dwindles down to this: "He must be regarded as conniving at those acts; or, viewing his conduct in the most favorable light, as unable to protect the Indians under his charge, and unwilling to punish the assassins." "The conclusion is irresistible that he is *particeps criminis*!" "Under these circumstances he is excluded from all participation in the government." The flimsiness of this pretext for crushing an innocent man seems to us only equalled by its rancor. It will be obvious to any dispassionate observer that Mr. Ross, by looking into this affair, would have exceeded his powers, and could not but have excited that "intestine commotion" in his country which the United States professes it should always be a paramount duty to prevent.

Once more, gentlemen, we most respectfully ask you to compare the proscription which the United States Government officers ascribe to us, with that which we have here shown from your own documents to have been practised against us by the officers of the Government of the United States.

It would involve us in refutations interminable were we to meet every misstatement in the documents before us. The almost exclusive scope of the representations on our affairs would seem to be to create false showings under which the United States may justify unwarrantable demands. Meetings are described, and resolutions are reported, which make a mighty figure on paper here in Washington; but have never been seen excepting here, and excepting upon paper. Serious allegations are made, without even a shadow of evidence being tendered in their support. For example: When General Arbuckle, in document 347, page 21, says of Mr. Ross, "He has now attached to him (as I believe) a number of the most cunning speculators of the new emigrants, and some of the old settlers, who desire to profit by his assistance in passing their accounts or claims," is not this meaning too much and saying too little? Ought not the general to have shown why he *believed* what he can find, we assure him, no foundation for in fact? Equally indefensible is the attempt of General Arbuckle, in the same letter which contains this injury, to frame another, but from materials so vague, that it is only in the anomalous document purporting to be a memorial, and which we have already quoted, that we have been able to detect what he really intended. He transmits to the department a copy of the decree depositing Brown and Rodgers; and, also, the act of union which he

says passed on the 12th of July, and reports under that date, with the signature of John Looney and others ; and he says that, from these papers, with the rest, the department can judge of "the character of Mr. Ross for veracity." In the memorial of the agitators, to which we have referred (see page 10 of Rep. doc. No. 162), a great clamor is raised against the "recreant chief, John Looney," and insinuations are cast against John Ross, because on the 12th of July, when the act of union is dated, bearing John Looney's signature, this western chief was acting with his former coadjutors, whom he did not quit till the latter part of August. That John Looney did not sign the act of union till the 23d of August is perfectly true. It is equally true that the date (August 23) specially affixed to his signature, is omitted in the copy of the act sent to the department by General Arbuckle, though affixed to the original, and so published officially by the Cherokees. Is it fair to make such an omission, for which General Arbuckle would seem the only one really responsible, the ground of so serious an imputation, and that uttered by the general himself? The act of union was submitted to the national convention on the 12th of July. It was sent to certain western Cherokees, then holding an assembly apart from the great majority of the nation. After deliberate consideration, and after the signature of the act which deposed Brown and Rodgers, and which their appeal for the military invasion of the country forced upon the people, then it was that John Looney signed the act of union, and then it was that he and many of his constituents identified themselves with the majority ; annexing to their signatures the precise date (August 23) of the day on which they were added to the former ones. We deny another imputation asserted in General Arbuckle's letter (see page 21 of Senate document 347). The General says that most of those who signed what is called Looney's decree, deposing Brown and Rodgers, thought they were only remonstrating against a white Governor. For this there is not a shadow of foundation.

It would leave our communication incomplete, were we to close it without some notice of a remark contained in the intemperate paper presented to Congress as a memorial, and to which we have in some previous passages alluded. That paper represents of the bulk of our nation from the east of the Mississippi, that on their arrival "they found the west Cherokees with a settled government, and laws and officers duly appointed to administer them." We will, as rapidly as possible, state exactly how the bulk of the eastern Cherokees found the government of the west circumstanced when they arrived, and what afterward became of that government.

It will be necessary to explain in the outset, how the western representatives and rulers were elected, under their own laws.

There were three chiefs, elected by the national council, or representatives of the people. The national counsellors were elected for two years ; the three chiefs for four. The allotted term of service of the counsellors expired by law in August, 1839, at which time there should have been a new election. The term of service of the chiefs expired in October, 1839, which also was the period for a new election of chiefs ; the law requiring the new election always to be simultaneous with the close of the old term.

It so happened that when the bulk of the nation arrived from the east of the Mississippi, the western people and their government seemed to be standing still, as if astounded by vague expectations of some strange event.

The principal chief of the western Cherokees, Jolly, had died in December, 1838. The next chief, Brown, some time before this had sent in his resignation. There was, in fact, but one chief legally in power, and whose power could not of itself expire till October, 1839. That one chief was John Looney.

Presently after the arrival of the eastern Cherokees, the ex western chief (Brown) called a private and informal meeting of the western national council. About one-half the members attended: when complete, the council consisted of sixteen. The eight thus informally convened, as informally nominated Brown to fill the vacancy, till the following October, created by the death of Jolly, the principal chief; thus overstepping John Looney (the legal incumbent), but creating him second chief, and appointing John Rodgers third chief. It was fully understood that these measures were sanctioned by General Arbuckle. Subsequently the meeting at Double Springs (or Ta-ka-to-kah) was called, which professed to welcome the eastern Cherokees, but to claim them as subjects. This assembly took place in June. On the following August, when the term for electing a new national council arrived, no election was attempted. Hence, after the month of August there were no representatives of the western Cherokees authorized by law. It was in this very month of August, which ended the term of the representatives, that the chiefs informally elected by eight western Cherokees were formally deposed; not, as has been stated, by the "council of Mr. Ross," but by their own constituents who had assembled apart. These western constituents, having signed the act deposing the two objectionable chiefs, went over, headed by John Looney, Aaron Price, and others, to the majority, who, having assumed in the interval when no government remained the right of acting for themselves, now completed the act of union. After this they adopted a constitution, organized a new legislature, passed laws, and established the present regular government. Meanwhile John Rodgers, one of the deposed western chiefs, linked himself with the treaty party, and made his headquarters mostly at Fort Gibson, with General Arbuckle. John Brown, the other western chief, is mentioned by the Indian Commissioner, in his report, document 347, page 4 (on the information of General Arbuckle), as having "gone to Mexico in search of a new country for himself and his friends." The general's letter, declaring this, is given at length in page 27 of the same document. But a letter in page 40 of the same document, from one of John Brown's partisans (George W. Adair), addressed to his friends, J. A. Bell and Stand Watie, represents their late coadjutor (John Brown) very differently. Adair says "Brown has deserted his country, and gone to seek an asylum in Mexico."

Notwithstanding the steady and successful march of the now-united nation toward a composure of all the troubles of the country, and the establishment of a liberal constitution and patriarchal laws, the wreck of the small party of agitators, still sustained by General Arbuckle, continued to act as if they had authority. In October, 1839, although, as we have shown, there had been no elections to authorize a council competent to create chiefs and transact business, these individuals called a public meeting at Ta-ka-to-kah. About forty or fifty persons appeared, and these mostly of the Schermerhorn treaty party, among whom were a few old settlers. A number of these clubbed together, voted themselves a council, and this informal club, self-dignified with a popular title, elected Dutch, Rogers, and Smith, their chiefs. The rest of the nation looked on the

whole affair with utter indifference; nor would it ever have risen into remembrance, but for the consequence given to it by the support of General Arbuckle.

It is to this factitious council that the Indian Commissioner alludes in page 3 of his report to the Secretary of War, contained in Senate document No. 347, 26th Congress, 1st session, and of whom the Commissioner states: "On the 5th of November a decree was adopted at a 'national council, in general council convened,' of the old settlers, denouncing the proceedings of Mr. Ross and his party, which are declared null and void; protesting against the transaction of any business by the Ross delegation now in this city, with the Government, for or on behalf of the Cherokee Nation; declaring that no act of theirs shall be binding; and that no money, belonging to the Cherokee Nation, in the shape of national funds, shall or can be drawn from the United States Government, or its officers, without authority given and empowered by the national council, and the same sanctioned by the chiefs."

Having thus candidly explained the manner in which what is thus self-styled a "national council, in general council convened," was got up and continued, it is scarcely necessary to remark upon its monstrous pretensions. It was from this same pretended council that, as the Indian Commissioner reports (see document 347, already quoted, page 3), "an application was, late in November, addressed by the chiefs, Rodgers, Smith, and Dutch, through the agent and superintendent, to the department, which was received on the 28th December, requesting that a delegation of five might be permitted to visit Washington to represent their grievances, and meet the Ross delegation at the seat of Government." "They were informed," adds the Commissioner, under date of 2d January, "that this was thought to be unnecessary; that the Cherokee difficulties were understood, and that the Government would do what was right and proper under the circumstances." Yet, notwithstanding they were so informed, they came to Washington, and have sent to Congress, in the shape of a memorial, the document we have already noticed more than once. It is a tissue of misrepresentations against us and our country, and a mass of extravagant claims, calculated to destroy all hope of peace among us for ever, if supported by the authorities here, as the signers have been in the west, where Fort Gibson has been their leading place of rendezvous, and its commandant apparently their principal director. It may be further remarked upon General Arbuckle's praise of this party, and of their leaders, as "all respectable men;" that Smith, one of the now self-styled chiefs, is the very person against whom, awhile previous, General Arbuckle called upon Mr. Ross to take proceedings, under the charge that he was collecting a body of men, by subscription, to attack Fort Wayne. The reports were examined, and found to be false. The accuser fled; and it was not long before Smith appeared (under the patronage of General Arbuckle) as one of the heads of what the General is pleased to regard as the legitimate government of the Cherokees. At the career of John Rogers, the other pretended chief, we have glanced already. Dutch, who heads the triumvirate, identified himself with the majority of the nation in the earlier measures of the convention. He probably is under guidance now; and not understanding English, may not be thoroughly familiar with all he is used to sanction.

We trust we have shown, in the preceding exposition, and satisfactorily, that if there is any foundation for the so-often-reiterated charge that a gov-

ernment in the west has been usurped, we are not the usurpers. We have thought it due to our country to put you in possession of the facts upon this point, as well as upon others. We regret that the multiplicity of the slanders artfully disseminated against us, has compelled us to detain you so long on our affairs; but ere we dismiss this subject, we will crave your continued patience while we add a few words in relation to our actual position at this moment.

The persons professing to be a western delegation, in their memorial which forms Representative document No. 162 of the present session, claim for the minority of the nation, who were established in the west prior to the arrival of the great bulk of the people recently, the right to hold the new comers, no matter what their numbers, "subject to their laws and their officers" (see page 3), because "their numbers could not affect their rights, nor impair those of the people to whom they thus came. They came," continues the memorial, "under the treaty provisions to join their brethren. If they came in such numbers," it proceeds, "as to constitute a majority, there would be less reason for their insisting on having a government of their own, or on putting down the existing government and establishing a new one; for, being a majority of the people they thus joined, they could elect, when the period came on, whom they pleased." We would here beg you to remark, gentlemen, that, before the period prescribed for such an election, the western minority, had its schemes not have been thwarted, would have possessed itself of all moneys due to the Cherokee Nation, and then what would have been the situation of the majority, robbed of the public purse by those who were claiming to bring them under subjection? The proof of the attempt to seize the national treasure will be found in Executive Rep. document No. 2, pages 355, No. 1. If any doubt could arise as to the extent of this design upon our money, it will vanish on reference to Senate document No. 347, pages 16 and 17, where, in Nos. 4 and 5, what the real plot was is more boldly explained, and still sought to be carried. No. 5 exhibits the device for eventually buying up the majority with its own money. It may be remarked, at the same time, that the crisis might have seemed a peculiarly appropriate one for the purpose. It would have found us in a state of the most galling destitution. A large portion of our people had, in our original country, through the extraordinary circumstances of our capture, lost their all; and, on arriving at the country whither we were forced, they were rendered more destitute than ever of the means of creating new homes by the want of even health and strength. The advances made to some of them by the commissioners on account of improvement claims, had been so meager as rather to exasperate than relieve their wasted condition. Many were without axes to cut logs for cabins, having been forced away too abruptly to gather their farming implements; and they had now no power to supply their loss. When they pressed for the payment of their various individual claims, every inquiry concerning the moneys expected to have been forwarded to the United States agents was answered evasively and mysteriously. Their suffering, through scantiness of food, might have been mitigated had they retained the means of supplying themselves from the chase; but the arms taken from them by the military east of the Mississippi, and the restoration of which in the west was promised, were not, and have not yet been, delivered; nor can we obtain any knowledge whatever of what has become of them. Of the extreme dissatisfaction created by these untoward circumstances we forbear to speak, but will return to the point whence we went back.

The memorialists also call this minority "a free and independent community;" speak of themselves as a "separate and distinct nation, and their rights as an independent people, in consequence of their separation from the east Cherokees, and their establishment in a distinct territory, fully recognised." The Indian Commissioner, on the other hand, in page 10, of Senate document No. 347, says of this minority: "They are *not* sovereign and independent in the full meaning of the term; nor are they so in reference to, and separate from, the eastern Cherokees." "These people are, beyond any doubt, one community, however distinctly marked are the parties into which that community is divided, and however difficult it may be again to unite them into harmonious feeling and action. It is equally clear that they are not entitled to the exclusive possession or ownership of the seven millions of acres of land; it was intended for the use of the whole Cherokee people, when all should emigrate, and was so set apart by the consent of the western Cherokees themselves." The Indian Commissioner, in another document quoted by us in our menorial (See Representative document No. 2, page 414, No. 30) clearly defines what the United States Government desires the Cherokees should understand as its principle in dealing with them. "That the majority shall rule," observes he, "is an axiom in politics now substantially admitted every where, and one that must prevail universally. It is as applicable, and its adoption as necessary, to the Cherokees as to other communities." From these two paragraphs, we should never have dreamed there could have been any difficulty in deciding who it was that the United States considered as entitled to the governing voice in Cherokee affairs. The Commissioner admits that the country west of the Mississippi belongs to the entire nation, and not to a part of it. He declares that the voice of the majority alone will be recognised as the nation. On this principle, the eastern bulk of the people recently arrived in the west clearly constitute the nation. They would have formed the majority necessary to constitute the nation had the assertion of the minority, that they amount to eight thousand, not have been the palpable exaggeration it is; for, even in estimating the original number at one-sixth of the entire population, they are largely over-rated, and, since then, they have dwindled almost to nothing by coalitions with the great mass. Under these circumstances, could we have expected, when we came to appeal to his own law, that the majority shall rule, to find the Secretary of War nullifying all his professions, by himself claiming to rule the majority? But, incredible as it may be, so it appears he seeks to do! Finding rulers chosen by the majority, against whom he has objections, in the hope to contrive some show of consistency in his favor, he calls a test meeting and promises to abide by its decision on all matters excepting one; which one condition for the restoration of his confidence in the Cherokees is, merely that they will abrogate the decree exacting a guarantee from those who had threatened the public peace. The abrogation is instantly conceded; but it then appears that the Secretary had only promised to abide by the decision, so far as regarded all other matters, because he had hoped it would have been given against the wishes of the Cherokees and in obedience to his own; for, finding that such did not prove to be the case, he forthwith suspends the venerable agent who dares report the unwelcome truth. Who is there that, upon observing a high-handed and unprecedented step like this, would not pause and ponder? We ourselves could not refrain from doing so. We could not refrain from asking ourselves, was there any deep-laid scheme in view on Cherokee affairs against which

it might be expedient that thinking eyes should be closed? Upon examining various public documents we confess, and we confess it with deep concern, we have discovered indications that there was. The attempt now making to annihilate all that has been done in our country, and to substitute for it the will of the Secretary of War, to us seems to result from a preconcerted scheme to create the semblance of a plea for official interposition, which it might have been convenient to keep unforeseen; to denationalize us under the pretext of necessity; to legislate us into nonentity.

There is to our view, in the opposition between the construction put upon the Cherokee title in the western lands by the individuals whom the department upholds against our nation, and the construction placed upon it by the department itself, a significance most startling. We cannot escape from the impression that such contradictory interpretations of the same thing, thus emanating from the same source, betray a settled design; that they have been prepared in advance, to provide a plea for acting on the opinion expressed by General Arbuckle (Senate document 347, pages 9 and 10), who says: "were he permitted to exercise his own judgment, he would at once dissolve the two governments," and erect a new one. This violent expedient is actually adopted, in the very face of the fact that the view taken by us, in our memorial, of the title in the soil, accords with that which we understand the honorable Secretary to express as the view taken by the United States Government, and which, therefore, rendered all further action superfluous. It is adopted in the face of repeated and solemn evidences of the will of the great majority, which the Secretary declared that he meant to deem conclusive. In pursuance of this most extraordinary and uncalled-for scheme of denationalization (see Senate doc. 347, p. 8), orders were issued to General Arbuckle "instructing him what results it was desired to bring about, viz: the adoption of a constitution that will secure to every individual Cherokee his personal and political rights, and the free enjoyment of life, liberty, and property, annulling now and for ever all such barbarous laws as those under which Boudinot and the Ridges were put to death, and the penalty of outlawry inflicted upon innocent men. You must be aware," continues the Secretary, "that all such laws are inconsistent with the Constitution of the United States, to which, by the treaty, they are bound to conform." As if, with the express view of pushing mockery to the extreme, here is a call on us to abrogate a law never yet revived by us, and now retained only by the very western faction, who, for effect, invoke its repeal on our side; and the military legislator is required not to permit any violation of the privileges secured by the United States Constitution, at the very moment when the Secretary who gave the order is himself excluding two of our own citizens from the vital privileges of that Constitution—depriving the one of the liberty of speech and of opinion, and condemning the other for great crimes, without evidence and unheard! But, apprehensive of the failure of these devices, it appears from the same document 347, page 6, that "it was suggested by William Rogers, John A. Bell, and Stand Watie, on the 22d of January, that the feelings of the respective parties would probably prevent their living comfortably as one community; and that a division of their country and joint pecuniary interests would be advisable, and conducive to the well-being of all concerned. This suggestion was communicated to General Arbuckle and Captain William Armstrong, with a request that they would devise and submit a plan, by which the object they desire may be accomplished, with the consent of the parties interested."

Thus have we shown that there are two schemes at this moment either before the Cherokees, or on their way to them—the one of subverting our government, and constitution, and laws; of cancelling the authority of our chiefs; and of forcing upon us a new government, a new constitution, and new laws, from the War Department: and the other of dismembering our possessions to glut the cravings of certain agitators. We have also shown that those agents, who have hitherto reported the truth, are, without any charge against them, suspended from the power of seeing the truth. And with measures thus adroitly taken to secure such a report as the Secretary may desire, nothing is likely to come to the knowledge of Congress in relation to this official conspiracy, but what they may approve.

It will save an immense loss of time, and trouble, and treasure, if Congress will be convinced that the course of the Secretary of War in our case, is one which will do unequalled mischief, and eventually fail. We say this now, for there is yet time to prevent the evil. We say it, too, because we claim not to be held responsible for what we are ardently desirous of averting—what we will do any thing in our power to avert. But, we Cherokees are men—we cannot but feel like men—we would act like men. We think it our duty to say plainly, that no finessing to impose an unwelcome government on us will succeed. No intrigue to dismember our possessions for the reward of individuals will be tolerated by the Cherokees. We know our own rights, and although false appearances may be created in relation to them to deceive the United States Congress into acts of oppression under error, these deceptions grieve us, but can have no other effect.

We have been dispossessed of our ancient country east of the Mississippi, without having in any way forfeited our rights there, and we request to be indemnified for its loss. We many years ago exchanged lands east of the Mississippi for lands west of Arkansas; and we ask to be secured in our titles to those lands. We also desire that such stipulations may be made, as shall prevent the unreasonable and harassing intrusions of any United States, civil, or military power within our boundary. There are unadjudicated demands arising out of losses in our forced gathering and removal; apart from the claim for our ancient country, and on other accounts. For these, our situation exacts a settlement.

We beg to add, that, as there may be many minor points which have escaped us, and upon which your committee may require more light, we will be happy, either personally, or in writing, at any time, to afford all the information in our power that may facilitate your investigations.

We have the honor to be, gentlemen, with profound respect, your very obedient servants,

JNO. ROSS,  
E. HICKS,  
W. SHOREY COODEY,  
JOSEPH M. LYNCH,  
GEORGE HICKS,  
EDWARD GUNTER,  
JOHN X LOONEY,  
ARCHIBALD X CAMPBELL.

Hon. JOHN BELL,

*Chairman Committee on Indian Affairs.*

WASHINGTON CITY, April 20, 1840.

P. S. We regret to mention that, in the printed copy of our memorial, and other papers submitted to Congress on the 28th of February, 1840, and forming document No. 129 of the House of Representatives, 26th Congress, 1st session, we were made to say things which we did not mean, and not to say things which we did mean. These were errors of the press, and doubtless unintentional. We mention them here, in the hope that, in the printing of the present communication and the accompanying papers, similar mistakes may be guarded against.

## A.

ILLINOIS COUNCIL-GROUND,  
*In General Council, July 1, 1839.*

BROTHERS: Considerable excitement has, for a few days past, prevailed among us, on account of some rash acts among our own people. And we have thought proper to send you this communication to prevent any unpleasant feelings which might be created by false rumors.

The lives of innocent persons were threatened by some individuals, and we were compelled to take up arms to prevent the mischief from being done. But we are not disposed to make war. We wish to hurt no one; not even those who have threatened our lives.

We wish you to be guarded against the false representations of designing and wicked men.

The interests of the red men are the same. Let us always be friends, and for ever hold each other firmly by the hand.

If false news should reach you concerning us, believe it not. If it should be repeated, send some of your faithful men to let us know, and to hear the truth.

This you may be assured of: we are altogether on the side of peace, and it is our determination to do all we can to preserve it.

The Cherokee people who have lately come to this country, and the old settlers, are now met in general council, and we hope soon to have all difficulties adjusted in a friendly way; which, when it is done, we shall take pleasure to communicate to you.

And we shall, at all times, be happy to hear from you.

Your friends and brothers,

JNO. ROSS,  
GEORGE LOWREY,  
EDWARD GUNTER,  
LEWIS ROSS,  
LOONEY PRICE,  
TOBACCO WILL,  
YOUNG WOLF,  
LEWIS MELTON,  
IRA ROGERS,  
KENAH.

To the CHIEFS of the Creek Nation.

## B.

CONVENTION-GROUND,  
*Cherokee Nation, July 29, 1839.*

**FRIENDS AND BROTHERS:** We have thought proper to address you these lines, and to let you know that your Cherokee brothers are now assembled in council. The objects are to form a reunion of the people, and to establish a government suited to their present condition and wants, under which we may all live and prosper. These desirable ends once effected, the Cherokees would be prepared to form new acquaintances with all their neighboring red brethren, and to cultivate that peace and friendship which have for so many years been established between them by our fathers.

In order that you may be correctly advised of the true situation of our affairs, and be convinced of our peaceable and friendly disposition toward every nation of the human family, we would be gratified to see some of you at our convention, if you can make it convenient to do so. Such a visit would enable you to learn our true character, and to detect any unfavorable or false reports which may have reached you concerning us.

The clouds which seemed to have been gathering around the peace and tranquillity of our people, it is hoped, will soon be dispersed, and that we shall again enjoy the pleasure of a calm and clear day.

Wishing you and your nation peace, prosperity, and happiness, we are your friends and brothers,

George Lowrey,  
 George Guess, his x mark.  
 Tobacco Will, his x mark.  
 Bark, his x mark.  
 Small Back, his x mark.  
 Wahahchee, his x mark.  
 Lewis Meton,  
 G. W. Gunter,  
 Thomas Candy,  
 Young Wolf,  
 Jack Spears,  
 R. Taylor,  
 James Brown,  
 Thomas Foreman,  
 Edward Gunter,  
 Lewis Ross,  
 Bird Doublehead,  
 Charles Coodey,  
 George Hicks,  
 Looney Price,  
 Riley Keys,  
 Daniel McCoy,  
 Stephen Foreman.

By order of the convention :

JOHN ROSS.

To the chiefs of the SENECAS AND SHAWNEES,  
 DELAWARES AND QUAPAWS.

## C.

WASHINGTON CITY, April 15, 1840.

DEAR SIR: General Arbuckle, in a letter addressed to Honorable J. R. Poinsett, Secretary of War, dated 11th December, 1839, uses the following language: "And it has been frequently reported to me that Mr. Lynch, who is now with Mr. Ross, was present when John Ridge was killed, and that the party halted at his house the same day, where they took breakfast." My object in addressing you this note is to request that you will please to state in writing, whether or not you saw me at or about the time the Ridges and Boudinot were said to have been killed; and if so, at what place, and if you can recollect, please to state the precise day.

Respectfully, your obedient servant,

JOSEPH M. LYNCH.

Col. THOS. C. HINDMAN,  
Washington City.

## D.

WASHINGTON CITY, April 15, 1840.

SIR: Your note of this date is before me; in which you request that I state, in writing, whether or not I saw you at or about the time the Ridges and Boudinot were said to have been killed; and if so, at what place, and also the precise day. I understand the Ridges and Bondinot were killed on Saturday, the 22d June, 1839. (John Ridge at his house about sunrise of that morning.) I left Ta-ka-to-kah council-ground on Thursday evening, 20th June, 1839, for Lewis Ross's residence on Grand river, and near Judge Martin's, on that evening, I met you in company with another person, going in the direction of Judge Martin's lower farm; and on Saturday morning, 22d June, I was returning to Parkhill, from Lewis Ross's; I passed the Grand Saline, about 9 o'clock in the morning, and at that place I saw you. My understanding was that you had been engaged for several days previous in assisting Judge Martin to open a stock of goods at the Grand Saline. Consequently, it is impossible that the reports received by General Arbuckle can be true in relation to you, as the distance from Grand Saline, to John Ridge's is at least forty miles.

Respectfully, your obedient servant,

THOMAS C. HINDMAN.

Mr. JOSEPH M. LYNCH.

WASHINGTON CITY, April 22, 1840.

GENTLEMEN: There are certain points in a report elicited from the Secretary of War, by a resolution requiring information on Cherokee affairs, upon which I feel it due to myself and to my country to address you. I could only have been led to take this freedom by the manner in which I am myself mentioned in that report. It exhibits me to the world as an individual whose feelings are inhuman, whose opinions are insurrectionary, and against whom solemn compacts have rendered it impera-

tive upon the United States Government to issue a special edict of proscription. Humble as I am, I rely on your sense of justice for a hearing in reply to these grave charges. Had I dreamed of this state of things when I left home, I would have come prepared with irresistible documentary evidence on various points ; but, ere I left the west, I thought all our troubles ended. So thought the Government agents, too ; for so they informed our people. But, on my arrival, I was not less astonished to hear that our country was reported to be in commotion than I was at being called upon to vindicate myself from the imputation of being one of its troublers. I proceed to the charge against me.

The honorable Secretary of War, communicating on the 7th of March, 1840, with General Arbuckle, arrives by inference at what he professes to consider the irresistible conclusion that John Ross is *particeps criminis* "in the foul murders committed on the bodies of the two Ridges and Boudinot," and then proceeds upon this verdict to settle the manner and extent of punishment in these words : "Under these circumstances, he is excluded from all participation in the (Cherokee) Government ; as is, likewise, William Shorey Coodey, who, in conversation with me in my office, persisted in considering the murders committed by the Cherokees upon the persons of Boudinot and the Ridges as justifiable. Men who entertain such opinions are unfit to be intrusted with power, and would soon again involve the nation in domestic strife, from which we are now called upon by our solemn compact with the Cherokees to protect them."

I arrived in this city the morning previous to the date of this order, and called at the department to deliver a communication intrusted to my care by the Cherokee agent. The honorable Secretary adverted to our difficulties in language and with an emphasis evincing much bitterness. He repeated his determination never again to have any intercourse with Mr. Ross ; was exceedingly harsh toward the *murderous majority*, as he frequently characterized us, and said we were looked down upon by the whole Christian community with abhorrence.

The declaration in relation to Mr. Ross, and the impressions entertained by the Secretary, forced upon my mind the natural conclusion that erroneous reports, and the absence of proper information at the department, were tending to produce a course, which might create great disasters in our nation, and ultimately be its ruin. I, therefore, remonstrated against the position assumed toward Mr. Ross, and uttered a belief that the Government was pursuing a policy likely to destroy our happiness ; that, if the officers of the Government continued a personal warfare against Mr. Ross, the more his people saw him unjustly persecuted the more would they be determined to sustain and defend him as the chief of their choice ; that though we knew the power of this Government could destroy us at any time, still its power could never be made to influence us in the choice of our own local officers. If the right of self-government were forced out of our hands, then the case would be altered ; but till then never. I stated, also, that I had for years past been apprehensive that the leaders of the *treaty party* would meet the fate they did. I had so expressed myself to Mr. Harris, while he was Commissioner of Indian Affairs : no interposition could have prevented it. In the estimation of their countrymen they had been guilty of treason. The indignation, which had been lulled, was aroused by their own indiscretion ; and, if another such treaty were made, I believed the Cherokees would

do the same again. Mr. Poinsett replied that no such treaty ever would be made again. I asked if the Americans had not laws among themselves to punish traitors with death; and added that, however we might be looked upon by the Christian community, we had no worse laws against traitors than the Americans, and could place our hands upon our hearts, and declare a conscientious feeling of innocence against the charge of "bloody crimes."

I have repeated the substance of my remarks, not to aggravate the supposed offence, but to illustrate more clearly *opinions* which it is made unlawful, immoral, and impolitic for particular men to entertain. In that conversation I spoke as one of the Cherokee people, in *explanation* of a matter for which they now hold themselves collectively responsible; not as an isolated individual *justifying* murder and crime.

The Secretary repudiates a proscriptive policy by the majority in the nation, and vindicates the minority. He urges the adoption of a constitution "that will secure to every individual Cherokee his personal and political rights, and the free enjoyment of life, liberty, and property." May I not be permitted to ask by what right the Secretary can, with a proper regard for solemn compacts, pass beyond the boundaries of all the States and Territories of this Union, into the Cherokee country, and with the auxiliary force of military power exercise the same proscriptive policy upon the local officers of the Cherokee Government, which he does not intend the Cherokees shall practise among themselves? Does power give such right; and superior intelligence claim its exclusive exercise? If he can denounce, proscribe, and eject from office persons selected under Cherokee laws, may he not also fill vacancies thus created by appointing officers whose opinions accord with his? And to what will this not lead? The cause for my proscription, as given, is *opinion*; an opinion honestly entertained, and respectfully expressed in conversation; an opinion entertained by all the Cherokees, save a few individuals, and they mostly co-adjudicators of the fallen. And if I am thus to be treated, how else can the vast multitude be regarded who think and feel as I do? Follow up this principle, and make this opinion the standard of qualification for office, and it will be found that ninety-nine out of every hundred are "unfit to be intrusted with power."

The position assigned me by the honorable Secretary invites the supposition that I am an ambitious agitator, whose reckless violence would not shrink from any means to obtain authority. How far this is correct a few words will enable all to judge. It may also be fitting to explain, before I proceed further, that I am not one of those who emigrated lately with Mr. Ross. I am what is called an "old settler," and have been many years one of the western Cherokees. More than three years ago I determined to hold no office, and to that conclusion adhered until last August. Up to this time I took no part in the discussions going forward, and had refused to depart from my resolution. But a very small number of persons, during the summer, organized a systematic opposition to the wishes and choice of the great body of the people, and received an impulse from a source which the Cherokees deemed improper. Excitement strengthened and spread; an appeal was made by the feeble faction to the United States, invoking its aid to enable them to overawe the nation. Until this I remained quiet. A meeting was convened by the old settlers, and I received a letter signed by thirty-two respectable names, and among

them the second chief of our own western Cherokees, asking my aid in their efforts to counteract the evils then threatening the country. The original letter is herewith submitted. I attended the proposed meeting, and participated in the proceedings. Since then I have faithfully discharged the duties assigned me as a member of the convention that framed the constitution, and of the national council that followed. The station was unsought by me and undesired; and accepted only at the call of my country when she was in danger, with the avowed intention of withdrawing as soon as her difficulties become settled.

Though the Cherokees are accustomed to gratuitous annoyances in every shape, I little dreamed that a citizen's obedience to his own nation's call for aid would ever have been treated as a crime by officers of the United States. Yet so it proved. During the month of December last, I was singled out as one to be added to some previous subjects marked out for military intimidation. I have already explained that, having looked upon our affairs as entirely settled, I did not come to Washington prepared with documentary evidence of all the wrongs and injuries I have a right to complain of, not only on my own account, but that of others. It is only by chance that I find myself possessed of any papers to corroborate my assertions; but, fortunately, I have some few upon this last subject I enclose. They will give an idea of the repeated attempts to arrest Mr. Drew (another old settler and member of the national council), as well as myself. The agent's letter to General Arbuckle is in the West, but can be obtained if necessary. Mr. Drew and myself *did* report ourselves to the general, as it will be seen he desired. The agent accompanied us. The only pretence assigned by the general for hunting us down in the gloom and stillness of the midnight hour proved at last to be simply this: The general had supposed I *intended* a month before to insult him, and had, consequently, decreed my imprisonment in the garrison guard-house! The moment I disclaimed ever having *intended* any thing of the sort, I was freed from all further military pursuit, and the monstrous annoyance ended in the offer of a drink, which I declined. Mr. Drew's crime consisted of having been in my company when the insult was supposed to have been *intended*. There was another oppression of the same sort practised against Mr. F. A. Kerr; and principally, it would seem, because he was my brother-in-law. A detachment of troops surrounded my father's residence while the family were enjoying their night's rest. Armed men with fixed bayonets guarded the doors, while others closely searched the house. Mr. Kerr was taken prisoner, conveyed to the fort (a distance of ten miles), confined there until the following day; and, on being liberated, was told that the general had heard of some expression he had used for which he must consider that as the general's answer.

I would here respectfully remark to you, gentlemen, that it is to the interference of the military commandant in the local politics of our nation that most of the excitement and confusion which recently distracted us are to be ascribed. From the impulse derived from that source a small minority have attempted, and are still attempting, to obtain supremacy; and they look for support in it to the Government and the soldiery of the United States. The despotism of the bayonet is trammelling our right of thought and liberty of speech, except among the favored few. These are privileges to which we have always been told that every American

considers every fellow-creature entitled. The denial of them to us tends, not only to bring the officers of your Government into disrepute, but to destroy our people's confidence in the Government itself.

I make no further comment. I hope I shall not be considered as having done more than duty required, in endeavoring to repel an insinuation which touches my character, and is avowedly intended to exile me from my country. That I look with confidence to you for redress will only prove to you, gentlemen, with how much respect, I have the honor to be your most obedient humble servant,

W. SHOREY COODEY.

The Hon. CHAIRMAN and COMMITTEE

*On Indian Affairs, House of Representatives.*

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No. 1.

CONVENTION-GROUND, August 16, 1839.

GENTLEMEN: We, the people termed old settlers, have arisen for the purpose of consulting with one another on the subject of the conduct of Mr. John Brown and Mr. John Rogers, the chiefs. Whereas, they called a council to convene at the old council-ground, mouth of Illinois, on the 22d of July last: and, whereas, the said John Brown and John Rogers, instead of settling the difficulties now existing with the late emigrants and the individuals called the treaty-party; and, also, having already refused to form a union between the old settlers and the late emigrants, but turning the settlement over to the hand of the United States: Therefore, we, the undersigned citizens, as above stated, have already consulted with each other, and Mr. J. Looney, the second chief. And, whereas, we have found Mr. J. Looney approving the course we have taken, we wish to have you both come, and your friends, without delay; and when you come, you can consult with Mr. Looney and our friends, and take a course or measure to make out the protest against John Brown and John Rogers, the chiefs, and the proceedings of the late council.

We are looking for Mr. George Guess, Tobacco Will, and their company, this evening.

We are your friends, &c.

Looney Price,	J. Bushyhead,	
David Melton,	Louis Melton,	
Young Wolf,	Luney Riley,	
Jack Spears,	Riley Keys,	
Daniel McCoy,	Geo. Brewer,	
Chas. Gourd,	Moses Parris,	
Phesent,	Swimmer,	his x mark.
Jesse Russel,	Bird Cryer,	his x mark.
Lenard Fox,	John Fox,	his x mark.
Mistaken Gritts,	Wm. Gourd,	his x mark.
Sar-kee-yau,	Bend About,	his x mark.
George Bushyhead,	Ralph Graves,	his x mark.
James Huges,	Head Eater,	his x mark.
Watter,	Tassel,	his x mark.
George Campbell;	Che-ke-le be,	his x mark.
Bear Pouch,	and others.	

I have been consulted with as above stated. I am willing to assist and aid my people in the course and efforts they have taken to bring about peace and justice with our people in our country, as far as my power will admit of.

I am yours, &c.

JOHN LOONEY, his x mark.

JOHN DREW, and  
W. S. COODEY.

No. 2.

BAYOU MENARD,  
*Cherokee Nation, December 10, 1839.*

SIR: Night before last, a detachment of United States troops surrounded the house of Mr. Joseph Coodey; and, after arresting Mr. Kerr, continued their search for other persons whom they supposed to be there, but found none other to capture. Last night, about 2 o'clock, a detachment came out and surrounded the residence of Mr. John Drew, and searched the buildings, but arrested no one: we were not at the house at the time. From several circumstances, and the friendly intimation of some respectable gentlemen, no doubt exists that we were the persons sought for. Both of us were at Gibson on Saturday, and Mr. Drew yesterday; and, unless it is merely to aggravate the fact of an arrest, why come at the hour of midnight, as though we were wolves, and only left our hiding-places at that hour? If it had been made known to us that the commanding officer at Fort Gibson had business with either of us, we should have gone at any day or hour that might have been named, as we are not conscious of having perpetrated any *crime* that should cause us to fear or blush at the sight of any man. We do not understand the object of these proceedings; and we desire to know of you, as the United States agent for this nation, whether the Government at Washington has authorized the military to act in this manner, and why it is so?

We desire no difficulty, as individuals, with any one, and deprecate the feeling and excitement which will result from such movements throughout the country. We are aware, too, that General Arbuckle has personally interfered in our local politics to an extent that threatens bloodshed among some of our people, and we hope and trust that you will use some exertion to counteract the influence which such measures will lead to. If we are charged with any offence against your Government, or any of its citizens, it is only necessary to give us the information, and we are ready at any time to meet them anywhere. The officers at Gibson know us, and they know that we are not likely to decline a fair investigation of any charge; but we protest against any such method of bringing us to answer allegations which may have been made. It looks too much like a declaration of hostility on the part of the military, and is assuredly too well calculated to produce evil.

Very respectfully, your obedient servants,

W. SHOREY COODEY,  
JOHN DREW.

M. STOKES, Esq., *U. S. agent.*

NOTE.—After this letter was written, another detachment was ordered out, commanded by a major, for our arrest; but returned unsuccessful, as the others had before.

W. SHOREY COODEY.

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HEADQUARTERS, 2D DEPT., W. DIVISION,  
*Fort Gibson, December 11, 1839.*

SIR: Yours of the 10th instant has been received; and I am directed by the commanding general to say, that if Messrs. Drew and Coodey will immediately come into the garrison and report themselves, that they will be permitted to do so, and to return, without any molestation from the military.

I am, sir, respectfully, your obedient servant,

S. G. SIMMONS, *A. D. C.*  
*and A. A. Adj't. Gen., 2d Dept., W. Division.*

Governor STOKES,  
*Agent for the Cherokees.*

A true copy:

M. STOKES,  
*Agent for Cherokee Nation.*

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CHEROKEE AGENCY,  
*Bayou Menard, December 12, 1839.*

GENTLEMEN: I herewith send you a copy of a letter I received yesterday from General Arbuckle.

As I stated in my letter to the General that you would comply with what you both stated to me; that you did not like to be arrested in the dead hour of the night, but would obey any civil request, provided you were left free from confinement; the general has, in this letter, pledged himself that you may go and return unmolested. My advice is, that you both go in to the general's house and report yourselves, as he has suggested.

I am, respectfully, your obedient servant,

M. STOKES,  
*Agent for Cherokee Nation.*

Messrs. Wm. S. COODEY and JOHN DREW.



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